terms of the directions contained in the judgement dated 21.2.2003 passed by the High Court of Delhi in Criminal Writ Petition No. 36 of 2002 titled Rotary Club District R.I. 3010 versus Government of NCT of Delhi.

Review of cases of detenues not involved in serious cases

63. SHRIMATI HEMA MALINI: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government are considering to review the cases of all detenues and release those not involved in serious crimes;

(b) whether it is also a fact that one of the allies of Government has urged the Prime Minister to review the cases of detenues; and

(c) if so, the reaction of Government thereto?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI S. REGUPATHY) : (a) to (c) The recently enacted Code of Criminal Procedure (Amendment) Act, 2005, *inter-alia*, provides a mandatory provision that if the arrested person is accused of a bailable offence and he is an indigent and cannot furnish surety, the Court shall release him on his execution of a bond without sureties. [Section 436(1)].

A new section 436A of the Code of Criminal Procedure, 1973 has been inserted in the Code to provide that where an undertrial prisoner, other than the one accused of an offence for which death has been prescribed as one of the punishments, has been under detention for a period extending to one-half of the maximum period of imprisonment provided for the alleged offence, he should be released on his personal bond, with or without sureties. It also provides that in no case will an undertrial prisoner be detained beyond the maximum period of imprisonment for which he can be convicted for the alleged offence.

It is for the State Government to take further action, if any, pursuant to the above amendments.